

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20580

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| In the Matter of    | ) |                     |
|                     | ) |                     |
| IP-Enabled Services | ) | WC Docket No. 04-36 |
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**COMMENTS OF THE YELLOW PAGES INTEGRATED MEDIA ASSOCIATION**

The Yellow Pages Integrated Media Association (“YPIMA”)<sup>1</sup> files these comments on a very narrow issue relating to IP telephony (Voice over Internet Protocol or VoIP). YPIMA takes no position as to the classification of IP telephony. YPIMA is concerned, however, that directory publishers will be unable to obtain subscriber listing information (SLI) of VoIP subscribers, making it difficult, if not impossible, to produce complete and accurate telephone directories. When subscribers change their telephone service from an incumbent local exchange carrier (ILEC) or competitive local exchange carrier (CLEC) to a VoIP provider, they expect a seamless transition. Subscribers do not want their telephone service interrupted, and that extends to listings in the telephone directory. Subscribers generally do not want or expect to have their listing dropped from the telephone book.<sup>2</sup>

In the Telecommunications Act of 1996,<sup>3</sup> Congress enacted Section 222(e) of the Communications Act. That section requires carriers to provide SLI to directory publishers.

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<sup>1</sup> The Yellow Pages Integrated Media Association is a global trade association based in Berkeley Heights, New Jersey, representing the Yellow Pages industry, both print and electronic. YPIMA member companies include publishers (of both Yellow and White Pages) and other businesses associated with the Yellow Pages industry.

<sup>2</sup> Telephone books are generally published yearly, so a subscriber could be left out of the book for an entire year.

<sup>3</sup> Public Law 104-104.

Today, that means ILECs and CLECs must provide SLI to affiliated and non-affiliated directory publishers. From YPIMA's perspective, Section 222(e) has been successful in allowing directory publishers to obtain more complete SLI information, and therefore publish a more thorough and accurate directory. There is generally a reliable flow of SLI from ILECs and CLECs to affiliated and unaffiliated directory publishers.

Should the Commission classify VoIP providers as carriers under Title II, the Commission should not exempt them from the requirements of Section 222(e). If, however, the Commission does not make VoIP providers subject to Title II, YPIMA believes that, when VoIP providers use telephone numbers from the North American Numbering Plan, those VoIP providers also should be required to provide SLI to all directory publishers. Such a requirement is in the public interest because it is in best interest of the subscriber.

Losing a listing presents a serious problem for the VoIP subscriber using that number as a business line. Nearly 3.4 million unique businesses advertise in the Yellow Pages. A significant majority of these are small businesses that use the Yellow Pages as their primary, and often sole, advertising medium. The VoIP subscriber could be harmed significantly if his or her directory listing is not maintained. In addition to the 3.4 million advertisers, every subscriber with a business line is listed in the Yellow Pages. A small business dropped from the telephone directory could see a significant decrease in the number of calls, irreparably harming that small business.

There will be those subscribers who wish not to be listed in any telephone book. YPIMA respects the subscriber's right to privacy and to an unlisted telephone number. The definition of SLI contained in Section 222(f)(3) excludes any non-published and non-listed information and any requirement on VoIP providers should contain a similar limitation.

A telephone directory that is incomplete or inaccurate is not a very useful tool. That is why Congress felt that it was important that all directory providers have access to all SLI. The requirement is placed on all providers of local exchange service. VoIP using actual North American Numbering Plan telephone numbers did not exist at the time of the 1996 Act, so Congress could not have contemplated VoIP providers in enacting Section 222(e).

As VoIP becomes a reliable alternative to circuit switched voice telephony,<sup>4</sup> the utility of the White Pages telephone directory decreases with each subscriber lost from the database.<sup>5</sup> If some of the predictions about the potential success of VoIP come to fruition, and the directory industry does not have access to listings for VoIP customers, the White Pages telephone directory may no longer be a useful or viable tool.<sup>6</sup> The consumer confusion and frustration of either being dropped from the database or not being able to find a listing in the directory will be vented at the directory publishers. This is a situation YPIMA hopes to avoid.

Should the Commission adopt Section 222(e) -like rules for VoIP providers, YPIMA suggests that the Commission include limitations such as those contained in Section 222(e). In particular, the SLI will be available only for the purposes of publishing a directory in any format. The Commission should ensure that VoIP providers (or other providers of local exchange services) are not required to provide SLI to entities not publishing a directory.<sup>7</sup>

It will be more difficult for directory publishers to maintain an accurate and complete database of SLI, as VoIP becomes a more popular substitute for other local exchange services. Having a requirement on VoIP providers akin to Section 222(e) will help consumers maintain

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<sup>4</sup> At the May 19, 2004 House Energy and Commerce Telecommunications and the Internet Subcommittee hearing, Kevin Leddy, Senior Vice President for Strategy and Development, Time Warner Cable, stated that Time Warner's VoIP service gained 11 percent of the market in Portland, Oregon.

<sup>5</sup> Consumers who "cut the cord" and use only wireless services can also be removed from the directory database, further exasperating the problem.

<sup>6</sup> Directory assistance would be similarly affected.

<sup>7</sup> In particular, YPIMA is concerned about SLI being used by telemarketers or for other marketing purposes.

their directory listing, and their access to directories that are accurate and up-to-date. YPIMA respectfully requests that the Commission include such a limited requirement in its rules regarding IP-Enable services.

Respectfully submitted,

**Yellow Pages Integrated Media Association**

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